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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JUAN TAJALLE, Plaintiff vs. **CITY OF SEATTLE, SEATTLE PUBLIC LIBRARY, OFFICER SAM 8**, a.k.a. **JOHN DOE #1**, and **JOHN DOE #2**, Defendants	**No. C07-1509** TSZ **COMPLAINT** **07-CV-01509-CMP**

COME NOW the plaintiff, **JUAN TAJALLE,** by and through his attorney John Scannell, and seeking damages against the above named defendants: **CITY OF SEATTLE, SEATTLE PUBLIC LIBRARY, OFFICER SAM 8**, and **JOHN DOE #2**,

The civil claims include offenses committed under color of law resulting in a deprivation of rights secured by the Constitution and laws of the United States of America.

I. PARTIES, JURISDICTION, VENUE

This action is brought under 42 U.S.C. §1983 (Civil Rights Act of 1871) relating to the plaintiff's exercise of his rights under the Constitution of the United States.

1. The plaintiff is a resident of King County, Washington.

2. The defendant City of Seattle is a Municipal Corporation doing business in King County Washington. The Seattle Public Library is a Department of the City of Seattle.

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3. Officer Sam 8 aka John Doe #1 is an employee of the Seattle Public Library. Officer John Doe #2 is an employee of the Seattle Public Library.

4. The acts complained of occurred in King County, Washington.

5. At all times relevant hereto each of the defendants was acting as an agent of each of the other defendants.

6. Jurisdiction is conferred on the court by virtue of 29 U.S.C §1331, §1334, §1343. Venue in this district is appropriate pursuant to Title 28, United States Code, §1391, because the pertinent events took place in this district.

II. FACTS

7. The plaintiff is a disabled person.

8. On or about June 14th, 2006, the plaintiff was in the Seattle Public Library when he observed Officer Sam 8 aka John Doe #1 and John Doe #2 getting in an argument with another library patron. Plaintiff started watching the incident and indicated to the officers by approaching them his disapproval of their treatment of the patron.

9. As a result of the plaintiff's action, the two defendants attempted to provoke an altercation with the plaintiff. When the plaintiff protested the officers treatment of him, they summarily, without due process attempted to remove the plaintiff from the premises. Their actions were not because he was creating a disturbance but because of the unfair treatment the officers were exhibiting towards him because of his protests.

10. Through threats of force and violence, the two officers attempted to remove the plaintiff from the library. When the officers reached the door, the plaintiff complained that he was disabled and would have a hard time going through the revolving door. The defendants demanded that he go through the door anyway. As a result of trying to go through the door, the plaintiff got trapped in the revolving door and fell.

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11. After being trapped, the plaintiff was injured in an amount to be determined at trial.

12. When the plaintiff attempted to get some medicine from his backpack, John Doe #2 kicked away his backpack so he could not get it.

13. Subsequent to that, the library issued an exclusion order to retaliate against the plaintiff for his protesting of the wrongful actions of the defendants.

III. FIRST CAUSE OF ACTION: VIOLATION OF THE FIRST AMENDMENT RIGHT TO FREE SPEECH AS APPLIED TO THE STATES THROUGH THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

14. Plaintiff hereby incorporates and realleges as if fully set forth herein each and every allegation of paragraphs 1 through 13.

15. The acts and omissions of the defendants herein were done under color of state law, custom or usage.

16. Plaintiff Juan Tajalle, had a federally-protected right, under the freedom of speech and assembly provisions of the United States Constitution, as applied to the states through the Fourteenth Amendment to the United States Constitution, to indicate through his words and/or non-violent actions that the defendants were unfair in their treatment of both himself and another citizen.

17. The acts and omissions of defendants herein proximately caused the deprivation of the First Amendment rights of plaintiff Juan Tajalle, as applied to the states through the Fourteenth Amendment to the United States Constitution

SECOND CAUSE OF ACTION: VIOLATION OF THE FOURTH AMENDMENT PROHIBITION AGAINST UNREASONABLE SEIZURES

18. Plaintiff hereby incorporates and realleges as if fully set forth herein each and every allegation of paragraphs 1 through 17

19. Plaintiff Juan Tajalle was seized for the purposes of the Fourth Amendment to the United States Constitution as applied to the states through the

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Fourteenth Amendment to the United States Constitution, by the acts and omissions of the defendants.

20. Plaintiff Juan Tajalle, has rights, protected under the Fourth Amendment of the United States Constitution as applied to the states through the Fourteenth Amendment to the United States Constitution, not to be subjected to an unreasonable seizure.

21. The acts and omissions of the defendants herein proximately caused the deprivation of the Fourth and Fourteenth Amendment rights of plaintiff Juan Tajalle

22. As a proximate result of the acts and omissions of the defendants and deprivation of plaintiff's Fourth and Fourteenth Amendment rights, plaintiff has suffered personal injuries as set forth hereinabove.

THIRD CAUSE OF ACTION; VIOLATION OF FOURTH AMENDMENT PROHIBITION AGAINST THE USE OF UNREASONABLE FORCE

23. Plaintiff hereby incorporates and realleges each and every allegation of paragraphs 1 through 22, as if fully set forth herein.

24. Plaintiff Juan Tajalle, had a right, under the Fourth amendment of the United States Constitution as applied to the states through the Fourteenth Amendment to the United States Constitution, not to be subjected to the use of unreasonable force against his person.

FOURTH CAUSE OF ACTION: VIOLATION OF THE FOURTEENTH AMENDMENT DUE PROCESS CLAUSE

25. Plaintiff hereby incorporates and realleges each and every allegation of paragraphs 1 through 24, as if fully set forth herein.

26. Plaintiff Juan Tajalle has a right, under the Due Process Clause of the Fourteenth Amendment to the United States Constitution, to remain in a public place of his choice.

27. The acts and actions of the defendants herein proximately caused the deprivation of plaintiffs' Fourteenth Amendment rights.

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28. As a proximate result of the acts and omissions of the defendants and deprivation of plaintiffs' Fourth Amendment rights, plaintiffs have suffered personal injuries as set forth hereinabove.

FIFTH CAUSE OF ACTION: MUNICIPAL LIABILITY OF THE CITY OF SEATTLE

29. Plaintiff hereby incorporates and realleges each and every allegation of paragraphs 1 through 28, as if fully set forth herein.

30. At all times material to this complaint, defendant City of Seattle, had in effect certain explicit and de facto policies, practices and customs which were applied to the treatment of persons who frequent their public libraries.

31. For purposes of the incidents described herein, it was the policy, custom and practice of the defendant City of Seattle to utilize unreasonable force in violation of the First, Fourth, and Fourteenth Amendment rights of the plaintiff, set forth hereinabove.

32. It was further the policy of the defendant City of Seattle, to approve, acquiesce, condone and ratify the use of unreasonable force in violation of the First, Fourth and Fourteenth Amendment rights of the plaintiffs in the incidents described hereinabove.

33. The policy, practice and custom of approving, acquiescing in condoning and/or ratifying the use of unreasonable force in violation of the First, Fourth and Fourteenth Amendment rights of the plaintiff in the incident described herein was a deliberate choice by defendant City of Seattle through their agents or employees.

34. These policies, practices and customs were maintained with deliberate, reckless and/or callous indifference to the constitutional rights of the plaintiffs as set forth hereinabove.

35. The above described policies, practices and customs of defendant City of Seattle proximately caused the deprivation of the First, Fourth and Fourteenth Amendment rights of the plaintiffs, jointly and severally.

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36. As a proximate result of the above the above described policies, practices and customs of defendant City of Seattle, and as a result of the deprivation of plaintiffs' First, Fourth and Fourteenth Amendment rights, plaintiff has suffered personal injuries as set forth hereinabove.

37. At all times material herein, defendant City of Seattle had a duty, under the United States Constitution, to supervise its police officers properly.

38. At all times material herein, defendant City of Seattle had a duty, under the Fourth Amendment of the United States Constitution, to adequately train its security guards not to threaten its citizens for exercising their first amendment rights.

39. Defendant City of Seattle failed to train properly or supervise properly the Sam 8 aka John Doe #1 and John Doe #2.

40. The above-described failures to supervise and to train were maintained with deliberate, reckless and/or callous indifference to the constitutional rights of rights of the plaintiff as set forth hereinabove.

41. The above-described failures by defendant City of Seattle to supervise and to adequately train the security guards properly proximately caused the deprivation of the constitutional rights of plaintiff Juan Tajalle as set forth hereinabove.

42. The above-described failure by defendant City of Seattle to properly supervise and to adequately train the defendants and the resulting deprivation of plaintiff Juan Tajalle's constitutional rights, caused the plaintiff to suffer personal injuries as set forth hereinabove.

SIXTH CAUSE OF ACTION - NEGLIGENCE

43. Plaintiff hereby incorporates and realleges each and every allegation of paragraphs 1 through 42.

44. Defendants had a duty to treat the plaintiff, as a disabled person protected under

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RCW 49.60, in a manner so that his disabilities would be accommodated and that his safety would not be endangered.

SEVENTH CAUSE OF ACTION - RCW 49.60.215 - WRONGFUL EJECTMENT AND EXCLUSION ON THE BASIS OF PHYSICAL DISABILITY

45. Plaintiff hereby incorporates and realleges each and every allegation of paragraphs 1 through 44.

46. Defendants' actions had the effect of denying the plaintiff access to a place of public resort, accommodation, assemblage, or amusement on the basis of his physical disability in violation RCW 49.60.215.

IV. DAMAGES

47. As a result of the actions of the defendants as above alleged, the plaintiff has been damaged in an amount to be proven at trial.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in his favor

(A) Order defendants to pay to plaintiff compensatory damages in an amount to be proven at trial.

(B) Order defendants to pay to plaintiff punitive damages.

(C) Order defendants to pay plaintiffs' reasonable attorney fees, and costs.

(D) Order such other and further relief as the court may deem to be just and proper.

DATED this 19th day of September, 2007.

John Scannell
Attorney for plaintiff

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